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10/657,260	09/09/2003	Takatoshi Mochizuki	018656-677	4033

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EXAMINER	
LEWIS, ALICIA M	

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
07/23/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/657,260	MOCHIZUKI, TAKATOSHI	
	Examiner	Art Unit	
	Alicia M. Lewis	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/30/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed March 6, 2008. Claims 1, 4, 7, 8, 10 and 11 are currently amended, and claims 2 and 3 are canceled. Therefore, claims 1 and 4-11 are pending in this application.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on June 30, 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 4 is objected to because of the following informalities: the word "assigned" in line 8 of the claim should be "assigns" AND the word "them" in line 8 of the claim is indefinite and should be changed to "the extracted keywords". Appropriate correction is required.

3. Claim 7 is objected to because of the following informalities: the word "them" in line 8 of the claim is indefinite and should be changed to "the extracted keywords". Appropriate correction is required.

4. Claim 8 is objected to because of the following informalities: the word "them" in line 8 of the claim is indefinite and should be changed to "the extracted keywords". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 6 and 9-11 are rejected under 35 U.S.C. 103(a) (*current application priority date 9/10/2002)* as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Johnson (US 2002/0107847 A1, *priority date 10/10/2000*).

With respect to claims 1, 10 and 11, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19), wherein a name of the data file includes an extension showing the nature of the file (Figures 9 and 11, column 12 lines 37-39);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit extracts keywords only from existing data files having the same extension as the new data file.

Johnson teaches a method and system for visual internet search engine (see abstract), in which he teaches extracting keywords only from existing data files having the same extension (abstract, paragraph 10). *Johnson teaches extracting keywords from only HTML documents, thus keywords are only extracted from data files having the same extension, i.e. HTML files.*

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Johnson because extracting keywords only from existing data files having the same file type would enable keywords to be used in searching for non-textual content (Johnson, abstract).

With respect to claim 6, Takemoto as modified teaches wherein said processing unit adds the keywords extracted from the existing data files to keywords which are already assigned to the new data files (Takemoto, Figures 4, 19 and 21, column 11 lines 14-52).

With respect to claim 9, Takemoto as modified teaches further comprising an interface that receives the new data file (Takemoto, column 2 lines 31-37).

7. Claims 1, 6 and 9-11 are rejected under 35 U.S.C. 103(a) (*current application priority date 9/10/2002)* as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Tanaka (US 6,345,270 B1, *filing date 3/19/1998*).

With respect to claims 1, 10 and 11, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19), wherein a name of the data file includes an extension showing the nature of the file (Figures 9 and 11, column 12 lines 37-39);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit extracts keywords only from existing data files having the same extension as the new data file.

Tanaka teaches a data management system (see abstract), in which he teaches extracting keywords only from existing data files having the same file type (column 1 lines 56-59).

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Tanaka because extracting keywords only from existing data files having the same file type would enable keywords to be associated only with files having the same file type, and thus would enable similar files (i.e. those of the same type) to have similar keywords.

With respect to claim 6, Takemoto as modified teaches wherein said processing unit adds the keywords extracted from the existing data files to keywords which are already assigned to the new data files (Takemoto, Figures 4, 19 and 21, column 11 lines 14-52).

With respect to claim 9, Takemoto as modified teaches further comprising an interface that receives the new data file (Takemoto, column 2 lines 31-37).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Fowler (US 2002/0194166 A1, *priority date 5/1/2001*).

With respect to claim 4, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit counts the number of files to which each of the extracted keywords is added.

Fowler teaches a mechanism to sift through search results using keywords from the results (see abstract), in which he teaches wherein said processing unit counts the number of files to which each of the extracted keywords is added (paragraph 53).

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Fowler because counting the number of files to which each of the extracted keywords is added would enable efficient information retrieval by providing search results that take a user's interest into consideration (Fowler, abstract).

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Kleinberger (US 5,062,074, *patent date 10/29/1991*).

With respect to claim 4, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit counts the number of files to which each of the extracted keywords is added.

Kleinberger teaches an information retrieval system and method (see abstract), in which he teaches wherein said processing unit counts the number of files to which each of the extracted keywords is added (column 22, claim 1, step c).

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Kleinberger because counting the number of files to which each of the extracted keywords is added would enable efficient information retrieval by grouping related documents (Kleinberger, abstract).

With respect to claim 5, Takemoto as modified teaches wherein said processing unit assigns extracted keywords to the new data file in accordance with the count number, starting with the extracted keyword having the highest count (Kleinberger, column 22, claim 1, steps d-f). *Kleinberger teaches that the keyword associated with the largest number of documents is assigned to be the first criterion key. Based on the assigned criterion key, the documents are grouped and the process is repeated, resulting in more criterion keys. However, the process starts with assigning the first criterion key, which has the highest count.*

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Petroni et al. ('Petroni') (US 5,987,411, *patent date 11/16/1999*).

With respect to claim 7, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit assigns the keywords extracted from the existing data files to the new data file after deleting keywords which are already assigned to the new data file.

Petroni teaches enrolling phrases in a dictionary (see abstract), in which he teaches assigning keywords to the new data file after deleting keywords which are already assigned to the new data file (column 4 lines 6-8).

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Petroni because assigning keywords to the new data file after deleting keywords which are already assigned to the new data file would enable generation of a precise database

(dictionary uttered phrases) to be used for efficient information retrieval. It would also enable Takemoto, system to incorporate voice-based retrieval (Petroni, abstract).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Doganata et al. ('Doganata') (US 2003/0220913 A1, *filing date 5/24/2002*).

With respect to claim 8, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit selects whether or not keywords which are already assigned to the new data file are deleted on the basis of the instruction inputted by said input unit.

Doganata teaches techniques for personalized and adaptive search services (see abstract), in which he teaches determining whether or not to delete existing keywords based on an instruction input by an input unit (paragraph 58, last sentence).

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Doganata because determining whether or not to delete existing keywords based on an instruction input by an input unit would enable a user to decide if he/she wants to keep old keywords, and would also enable selection of information sources that are most relevant to user queries (Doganata, abstract).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (US Patent 6,335,742 B1, *filing date 7/24/1998*) in view of Luo et al. ('Luo') (US 2003/0195871 A1, *filing date 6/20/2002*).

With respect to claim 8, Takemoto teaches:

a storage unit that stores folders, existing data files and keywords assigned to each existing data file (element 17 in Figure 1, column 6 lines 16-19);

an input unit (element 11 in Figure 1, column 5 lines 15-19) by which a user enters an instruction to move a new data file to a folder (column 10 lines 21-50); and

a processing unit (element 13 in Figure 1) that extracts the keywords assigned to the existing data files in the folder (Figures 4 and 19, column 11 lines 14-30) and assigns the extracted keywords to the new data file in response to the instruction (Figures 4 and 21, column 11 lines 31-52).

In Figure 4, Takemoto teaches a list of files included in the "tmp" folder. He then teaches in Figure 21 and column 11 lines 31-52 that multiple keywords may be assigned to files. For all the three files in Figure 4, the collective keywords are A, B, and C. In Figure 21, Takemoto shows that keywords A, B and C are all selected to be assigned to the new file.

Takemoto does not teach wherein said processing unit selects whether or not keywords which are already assigned to the new data file are deleted on the basis of the instruction inputted by said input unit.

Luo teaches a general platform and method for querying on intellectual property information (see abstract), in which he teaches determining whether or not to delete existing keywords based on an instruction input by an input unit (paragraph 21, last 2 sentences).

It would have been obvious to a person having ordinary skill in the art at the time then invention was made to have modified Takemoto by the teaching of Luo because determining whether or not to delete existing keywords based on an instruction input by an input unit would enable a user to decide if he/she wants to keep old keywords, and would also enable efficient querying and data retrieval of intellectual property information (Luo, abstract).

Response to Arguments

13. Applicant's arguments with respect to claims 1 and 4-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia M Lewis/

Examiner, Art Unit 2164

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164